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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 TERRI ORTIZ, individually and on behalf
13 of all others similarly situated,

14 Plaintiffs,

15 vs.

16 KRAFT FOODS COMPANY, a Delaware
17 corporation,

18 Defendants.

CASE NO. 07cv0682-LAB (CAB)

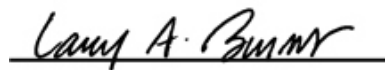
**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO
DISMISS FIRST AMENDED
COMPLAINT**

[Dkt No. 20]

19 Pursuant to FED.R.CIV.P. 41(a)(1), the named plaintiff in this putative consumer class
20 action has filed a Notice Of Voluntary Dismissal Of Entire Action Without Prejudice.
21 Dkt No. 24. No Answer or Motion For Summary Judgment has been filed in this case,
22 entitling plaintiff to dismiss the action without court Order. Accordingly, the action is
23 dismissed in its entirety without prejudice, and defendant's pending Motion To Dismiss First
24 Amended Complaint is **DENIED AS MOOT**.

25 **IT IS SO ORDERED.**

26 DATED: September 11, 2007

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28 **HONORABLE LARRY ALAN BURNS**
United States District Judge